

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James Lamont Marshall

Docket No. 4:08-CR-17-1FL

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Lamont Marshall, who, upon an earlier plea of guilty to Possession of Firearms by a Felon, 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on January 5, 2010, to the custody of the Bureau of Prisons for a term of 168 months. It was further ordered that upon release from imprisonment, the defendant be placed on supervised release for a period of 5 years.

On March 17, 2017, pursuant to 28 U.S.C. § 2255, the defendant's judgment was amended to 103 months confinement and a 3 year term of supervised release. James Lamont Marshall was released from custody on March 20, 2017, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant tested positive for marijuana on March 22, 2017, and April 26, 2017, and the results of both tests have been confirmed by Alere Laboratories. Prior to submission of the March 22, 2017, specimen, the defendant admitted to smoking marijuana on or about March 19, 2017, prior to his release from custody. On May 10, 2017, the defendant signed an admission of drug use statement acknowledging his use of marijuana on April 20, 2017. The defendant has since undergone a substance abuse assessment and currently attends substance abuse treatment at Second Chance Recovery Center in Rocky Mount, North Carolina. The defendant received a verbal reprimand for his drug use and was counseled for his actions. As a sanction for this violation, the defendant has agreed to participate in the DROPS program, beginning in the second use level, and will be required to serve a two day jail sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: May 17, 2017

ORDER OF THE COURT

Considered and ordered this 18th day of May, 2017, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge